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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/509,401	06/19/2000	STEFAN SCHMITZ	10191/1365	2060

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KENYON & KENYON
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER	
MEHRPOUR, NAGHMEH	

ART UNIT	PAPER NUMBER
2686	19

DATE MAILED: 01/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
09/509,401	Stefan Schmitz
Examiner	**Art Unit**
Naghmeh Mehrpour	2686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Oct 6, 2003* .

2a) ☐ This action is **FINAL.** 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *10-22* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *10-22* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 10-22,** are rejected under 35 U.S.C. 102(b) as being anticipated by Pogue, Jr. et al. (US Patent Number 5,144,667).

Regarding **Claim 10,** Pogue teaches a method for assigning a remote control operation to a base station, comprising the steps of:

determining a randomized activation for an assignment (see figure 3, col 4 lines 40-52), in figure 3, base station determines and transmits random seed A;

causing the base station to transmit a search signal **after the determining step** (col 3 lines 10-17);

returning a contact signal from the remote control operation in response to an agreement of the search signal with a stored reference signal (col 3 lines 19-21, col 5 lines 11-13); **and**

causing the base station to subsequently transmit **the** activation signal in response to **the** assignment (col 3 lines 18-20, col 5 lines 15-16), the activation signal being capable of verifying a matching to the remote control operation (col 3 lines 21-24) (col 5 lines 18-20) (See figure 2 col 2 lines 53-55). By using the activation signal that includes a random number and only

recalled for the assignment, there is no chance of copying or imitating even with physical access to the remote unit.

Regarding **Claim 11,** Pogue teaches before the search signal is transmitted by the base station (base wakes up the remote, col 3 line 5-6), determining a response signal (introducing remote to base remote send a response to the base), wherein the remote control operation response in accordance with the response signal after the activation signal is received (col 3 lines 10-21, See figure 2 col 5 lines 9-23). Pogue teaches when the remote units enter the radio range of the base unit, a signal from the base unit wakes up or alerts the remote unit (col 3 lines 10-16), then remote unit ID's are transmitted from the remote units to the base unit, and stored in the base unit.(remote units introducing to the base unit). Then base unit transmits the search signal to the remote units.

Regarding **Claim 12,** Pogue teaches a method wherein the activation signal is determined after a conclusion of a successful assignment (ID matched) of the remote control operation to the base station. If an ID signal matches the ID of the particular remote unit in its range, the remote unit response that a match has been (col 3 lines 16-21).

Regarding **Claim 13,** Pogue teaches a method according further comprising the step of: determining another activation signal capable of being changed (col 3 lines 25-62), the other activation signal being determined if a response signal sent back by the remote control operation in response to the activation signal does not agree with a predetermined set point response signal in the base station (col 5 lines 17-40).

Regarding **Claim 14,** Pogue teaches a method according wherein: the search signal is transmitted a plurality of times, each time being immediately after another, if no contact signal is received in response to the preceding search signal (col 3 lines 26-37, col 5 lines 17-30).

Regarding **Claim 15,** Pogue teaches a method wherein: an execution time of the step of determining the other activation signal is based on carrying out security-relevant arithmetic operations, which carry out response is less that three milliseconds (col 3 lines 54-63, col 4 lines 3-40). Therefore Pogue inherently teaches the step of determining the other activation signal is lengthened in comparison to a shortest possible execution time.

Regarding **Claims 16-17,** Pogue teaches a base sation comprising:

a transmitting/,receiving device for transmitting a search signal and an activation signal capable of being changed (col 3 lines 18-20, col 5 lines 15-16), and for receiving a contact signal and a response signal from remote control operations (col 3 lines 19-21, col 5 lines 11-13),

an arrangement for performing one of the causing and the evaluating of each signal received by transmitting/receiving device, wherein:

an arrangement for performing one of the causing and the evaluating determines the activation signal before a transmission of the search signal from the base station occurs (see figure 3, col 3 lines 40-52), and

the arrangement for performing one of the causing and the evaluating only calls the activation signal for an assignment (col 3 lines 10-17), and

a non-volatile memory unit for storing fixed and changeable assignment formation, the non-volatile memory unit assigning at least one of the remote control operation to the base station and making possible a test for matching (col 2 lines 56-64).

Regarding **Claim 18,** Pogue teaches a base sation comprising:

a first transmitting/receiving device for transmitting a search signal and an activation signal capable of being changed (col 3 lines 18-20, col 5 lines 15-16), and for receiving a contact signal and a response signal from remote control operations (col 3 lines 19-21, col 5 lines 11-13),

a first arrangement for performing one of the causing and the evaluating of each signal received by transmitting/receiving device, wherein:

the arrangement for performing one of the causing and the evaluating determines the activation signal before a transmission of the search signal from the base station occurs (see figure 3, col 4 lines 40-52), and

the arrangement for performing one of the causing and the evaluating only calls the activation signal for an assignment (col 3 lines 10-17, col 5 lines 10-23).

a first non-volatile memory unit for storing fixed and changeable assignment formation, the non-volatile memory unit assigning at least one of the remote control operation to the base station and making possible a test for matching (col 2 lines 56-64).

a second transmitting/receiving device for receiving the search signal and an activation signal (col 3 lines 11-16), and for transmitting a contact signal and a response signal (col 3 lines 19-21, col 5 lines 11-13),

a second arrangement for performing one of an evaluating an and a transmitting of signal received (col 3 lines 15-25) , and

a second non-volatile memory unit for storing fixed and changeable assignment formation, the non-volatile memory unit assigning at least one of the remote control operation to the base station and making possible a test for matching (col 2 lines 56-66).

Regarding **Claim 19,** Pogue teaches a method wherein at least an encryption keycode (col 3 lines 47-49) and a random number generated (col 4 lines 22-23) by the microprocessor function to produce the predetermined set point response signal (col 4 lines 22-39).

Regarding **Claim 20,** Pogue teaches that the search signal contains a serial number stored in a memory (col 5 lines 9-14).

Regarding **Claim 21,** Pogue teaches the base unit send out ID signals corresponding to the various remote ID's stored during initialization (column 3 lines 16-21). The ID can be a group number of remote control program.

Regarding **claim 22,** Pogue teaches herein a random number stored in a memory functions as a challenge signal (col 4 lines 19-33).

Response to Arguments

3. Applicant's arguments with respect to claims 10-22 have been considered but are moot in view of the new ground(s) of rejection.

4. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II. 2121 Crystal Drive, Arlington. Va., sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

If attempt to reach the examiner are unsuccessful the examiner's supervisor, Marsha Banks-Harold be reached (703)305-4379.

NM

Jan 09, 2003

CHARLES APPIAH
PRIMARY EXAMINER